

Documents required for Domestic Employee visas of American Citizens residing abroad or Temporarily assigned to the U.S. (see * note below)

A personal or domestic employee who accompanies or follows to join a U.S. citizen employer who has a permanent home or is stationed in a foreign country, and who is visiting the United States temporarily must meet the following requirements for a visa:

- (1) The employee has a residence abroad which he or she has no intention of abandoning;
- (2) The employee has been employed abroad by the employer as a personal or domestic employee for at least six months prior to the date of the employer's admission to the United States;
- (3) In the alternative, the employer can show that while abroad the employer has regularly employed a domestic servant in the same capacity as that intended for the applicant;
- (4) The employee can demonstrate at least one year's experience as a personal or domestic servant by producing statements from previous employers attesting to such experience; and
- (5) The employee is in possession of an original contract to be presented at the U.S. port of entry, which contains the original signatures of both the employer and the employee.
- (6) The employer and the employee have a signed employment contract, which contains statements that the employer is guaranteed the U.S. minimum or prevailing wages, whichever is greater for an eight-hour workday. In order to determine the wage, kindly see the following website: <http://www.flcdatcenter.com>. The Department of State believes that level 1 for maids and housekeeping cleaners; represents a fair wage for the purpose of a nonimmigrant visa issuance.
- (7) The contract must also state that the employee is guaranteed free room and board, and the employer will be the only provider of employment to the employee.
- (8) The employer must pay the domestic's initial travel expenses to the United States, and subsequently to the employer's onward assignment, or to the employee's country of normal residence at the termination of the assignment.

- (9) The employer will give at least two weeks notice of his or her intent to terminate the employment, and the employee need not give more than two weeks notice of intent to leave the employment.

{ * NOTE: Temporarily assigned to the U.S. - The U.S. citizen employer is subject to frequent international transfers lasting two years or more as a condition of the job as confirmed by the employer's personnel office, and is returning to the United States for a stay of no more than four years. }

See attached for sample contract

Word/CONS/Domestic Employee of American Citizens.doc/June 2005

Contrato Para Servicios Domésticos de Ciudadanos Americanos asignados temporalmente a los Estados Unidos o que viven en el exterior

Ambos Servidora Doméstica y Patrono nos comprometemos a lo siguiente:

1. La Sra. (ita) _____ recibirá el salario mínimo a nivel estatal donde preste sus servicios, o al nivel federal por un día de ocho horas de trabajo, **el que sea mayor.**

Número de días feriados anuales: _____
Número de días vacacionales anuales: _____
Número de días de enfermedad anuales: _____
Días regulares de descanso: _____

Salario a pagar mensualmente: \$ _____
2. La Sra. (rita) _____ se compromete a no aceptar ningún otro trabajo mientras esté laborando para el Patrono.
3. Yo, como Patrono, acuerdo no retenerle el pasaporte a la Sra. (rita) _____.
4. La Sra. (ita) _____ no será requerida a permanecer en el lugar de trabajo después de horas laborales (40 horas semanales), a menos que sean compensadas con el pago de horas extras.
5. Yo, como Patrono, seré responsable de pagar los gastos del viaje de la Sra. (ita) _____ de Costa Rica a los Estados Unidos y viceversa al terminar el contrato.
6. El Patrono dará dos semanas de preaviso a la doméstica al terminar el contrato.
7. La doméstica dará dos semanas de preaviso al patrono al terminar el contrato.

Firma Patrono

Fecha: _____

Firma Servidora Doméstica

Fecha: _____